

Estimated Fiscal Impact of Bill #

HB 315Date **2/5/2009**Short Title **Local School Governance Amendments**Contact **Randy Raphael**Title **Statistician**Agency **State Office of Education**Phone **538-7802****Short Form**

Use only when there is no appropriation needed for state agencies, and no fiscal impact on state revenues, local governments, businesses, or individuals.

If the bill looks like it should have a fiscal note, explain why it does not. For example, a bill might put into code something that is already current practice.

Attachments welcome.

- ☒ State agencies will not require an appropriation to implement the bill.
- ☒ There is no fiscal impact on local governments.
- ☒ There is no fiscal impact on businesses
- ☒ There is no fiscal impact on individuals.
- ☒ The bill will not affect revenues.

Explain why this bill has no fiscal impact.

This bill shifts control of the assignment of all licensed school personnel from district administrators and school principals to parents on school community councils. It does not in itself affect funding related to personnel, but its implementation would raise serious legal issues, many of which have potentially serious financial consequences for school districts and perhaps even council members themselves.

A. What parts of the bill cause fiscal impact?

Cite specific sections or line numbers.

B. Which program gets the appropriation?

(Approp. Unit Code)

(To appropriate to an additional program use an additional form.)

This is ____ of ____.

C. Work Notes: Assumptions, calculations & what are we buying?

Assume that a legislator calls you in to explain how you came up with your fiscal impact and these are the only notes you get to take with you.

List all costs. Identify one-time and ongoing costs. Detail FTE impacts.

Do not say, "\$50,000 in Current Expense." Be very specific about what \$50,000 will buy.

Attachments encouraged.

Regarding the aforementioned legal issues, here is a list [based on email from Carol Lear, 2/4/2009]: (1) How can a school council with no legal authority to pay, discipline or evaluate an employee be authorized to "select" a principal or teacher? (2) If an educator hired by the council is responsible for a student's injury, who does the parent sue? (3) If the council presents (in writing) its reasons for transferring or firing a teacher, is the council responsible for defending the accusations? What about the reputational rights of teachers? (4) If a council determines to fire or transfer a teacher, who is responsible for the due process and associated costs for the teacher? What if the employer (district), in consultation with its insurance company, determines that it is more cost effective to keep the teacher until the end of the year and then non-renew? What if the district could RIF the teacher with no legal ramifications? Does the council trump this decision making by local board? (5) What legal liability is there for the council (or district) that, despite the negotiated district agreement, transfers a teacher without her consent? (6) Because new council members would be elected every year, one group could recommend transfer or firing and the very next group could reinstate the affected educators. This could be a legal issue or just create chaos. Experience to date with parental control of charter school governance suggests that chaos is a real possibility. (7) The common law has a general non-delegation doctrine — government entities cannot delegate to other bodies their essential duties. Such delegation is per se illegal. It seems that employment and assignment of employees, particularly licensed employees, is an essential function of elected local school boards. Even unwilling delegation of this responsibility would likely result in legal action.

Fiscal Impact Tables

Current Budget Year
FY 2009

Coming Budget Year
FY 2010

Future Budget Year
FY 2011

D. If this is a revenue bill, show impacts here. (Select funds from drop-down menu.)

Total	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

E. Show Costs to Implement the Bill by Fund (Select funds from drop-down menu.)

Total	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

F. Show Costs to Implement the Bill by Expense Category.

Personal Services			
Travel			
Current Expense			
DP Current Expense			
DP Capital Outlay			
Capital Outlay			
Other/Pass Thru			
Total	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

G. How will the bill impact local governments?

Your estimate of the bill's impact on local governments.

Attachments welcome.

H. How will the bill impact businesses?

Your estimate of the bill's impact on businesses.

Attachments welcome.

I. How will the bill impact individuals?

Your estimate of the bill's impact on individuals.

Attachments welcome.

This is a draft fiscal note response from the Utah State Office of Education (USOE) and may be revised in the future.